G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1892-93

(S. R)

(30)

File No. 62 of 92-93

Serial Nos. 24 — 35

Papers Filed.

Month

SUBJECT.

Resale of Toddy Vend Farms

PREVIOUS REFERENCES.	LATER REFERENCES.
RC 1 - 23	RC 36 - 55

Sundered.

V. Swamy

CHIEF SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Sanction of Govt. to issue warrants of arrest against Appavu Pillay, the defaulting Toddy Kud former of Tirupati in the matter Taluk and his sureties.

LAST REFERENCE. Letter No. 5725/363 dated 29th April 1893 from the Excise Commissioner.

No 13538/R.F 207.92 of 2.2.93.

(39) of R.F 62-92.

(35)

With reference to his letter No 37/288/216 dated 5th January 1893 reporting that the defaulter Appavu Pillay and his sureties had no property in the Mysore Province and soliciting sanction to their arrest and imprisonment, the Excise Commr. was requested to furnish information

on the following points and which he has furnished it in his No $\frac{5725}{363}$ dy 29.4.93. His replies which are noted below opposite each point.

Query.	Reply.
(1) Are the defaulter & his sureties possessed of any property in Coorg of the Salem District to which place they are said to belong	None
(2) Were they residing within or out of the Mysore Province at the time the agreement was executed	They were residing out of the Province.
(3) Before the agreement was taken what property, if any, had they in Mysore	Note: No [illegible] action or [illegible] coming on this point. Only they have all along been said to have no [illegible] in this Province

He recommends that under the circumstances stated sanction may be accorded to issue warrants of arrest against the defaulter & his sureties.

I presume from the Plaintiff's report, (that of arrest warrant) upon the arrears in the hand, that the defendants this matter are unfortunately withheld from of the Port dues – why not upon a warrant of arrest that the debtors or otherwise of the men. – It is strange that Plaintiff's person who is outside the Province

The Deputy Commissioner of opinion that if only a warrant of arrest be issued, the money can be collected easily, & the question is whether warrants may be issued under the circs. Submitted for orders.

Mr Hanna Gentlemen Firm
The Revenue Tribunal
The Attorney Genl
in this Report

12/5/93

13/5/93

Mr Hanna
Mr Gen Atty
Mr Consultor
after
when
16/5
A Hanna

I think that no good case is made out for the arrest of the parties. It is a simple case of failure & no intention of cheating Govt. —

I would simply allow the arrear to stand in account for some time more, & eventually write it off, if it cannot be recovered by sale of any property that may be forthcoming.

Seems the happen to be known. I am not disposed to issue a warrant. It should be issued only in those cases in which there is some evidence that the defaulter is fraudulently withholding payment
LCP
5/6/93

As further information was called for by Mr J. Chalmers, send the papers to him also for opinion & pass orders if he agrees with me in the above effect.

18/5/93

Draft submd for approval
20/5

Draft for put to
Mr Hanna
19/5

Sub. to Jud. Councillor with reference to Rev Councillor's adm.
MSR
3/6

Read: —

Correspondence ending with Excise Commrs letter No $\frac{5725}{363}$ dated 29th April 1893, submitting the information called for about the defaulting Toddy Vend farmer Appanu Pillay and his sureties in Chief Secy's docket no $\frac{13538}{207-92}$ dated 2nd Feby 1893 and requesting that sanction may be accorded to issue warrants of arrest against them.

Order thereon: ~~The Govt think that no~~ ~~No good case is made out for the arrest of the parties~~ - It is a simple case of failure and that there is no intention

No $\frac{20373}{R.F.62-92}$ 28 Jany 1893 / 3 June

In this case no facts have been elicited which prove a wilful intention to defraud or grounds for other proof of the fact does - In the absence of proof of fact it must be presumed that it

~~is shown to exist on their~~

~~part~~ of cheating Govt. is brought home to the defaulter. The arrear will be allowed to stand in the accounts for some time more ~~and~~ ~~to be eventually written~~ and further deposit made under the circumstances should be ~~off~~, if it cannot be recovered by sale of any property that may be forthcoming.

Chief Secretary

22/8/93

To The Excise Commr in Mysore.

From the inform letter & affidavit that in defaulter's case (wife & fol.) on Mr R. [illegible]

[illegible]

[illegible]

CHIEF SECY.'S DEPT.

Submitted to the ~~Dewan~~ Chief Secretary

For Orders.

(There should be separate file for each subject

First cancel in red ink

(The papers in red tape are the papers for orders now

2 There are other papers on the top of the file bound with red tape. They relate to other subjects not now ready for consideration for final disposal - [Better & more methodical arrangement of papers & subjects is reqd in the Revt branch. In this branch there is full work for an Asst Commr - It is important that he shd stick to it and be allowed to devote his whole time & attention to it - He should be given no other work]

3 The immediate question for decision is whether or not Abham Pillay (Toddy Farmer in Kolar Dist) & his sureties shd be personally proceeded agt for the arrears of revenue due from them - (see sec 163 LR Code & Rule XXXVIII thereunder)

4 The Hon'ble Mr Chentsalvan is opposed to warrant against Ranesthenty issued as recommended by the Dept Commr - We

Thumbu Chettiyar is in fact assuming a receivership - The Hon'ble Mr Chentsalkar directed the papers to be sent to the Dewan - This does not seem to have been done, nor does it appear that the file was sent to me direct in which case I shd have opened it myself & attended to the instruction at once - It seems to have been sent into the office, and as subsequent references supervened, the instruction written across it seems to have been lost sight of - till now when I took up the file to see whether Rangaiah Oppr No 1336 of 10 June may not be revoked.

5 As the Dewan Bahadur is now on leave, if the Councillor Mr Ramachandraiyer note this record this minute, the same can be forwarded to the Offg Dewan for final instructions

Sd/ 13/9/23

Subd to Offg Dewan with Mr Councillor Ramachandraiyer's minute — for final orders

Sd/ 20/9

Excise

CHIEF SECRETARY'S OFFICE.

REVENUE BRANCH.

OFFICE NOTE.

SUBJECT. Toddy defaulter Appavu - Pillay of the Tirupathi - farm of the Kolar Distt.

LAST REFERENCE. Letter No. 4096/401 dated 15th June/94 from the Excise Comrs

The amount of arrears as put down at Rs 85/- monthly including local Cess for 7 months & 20 days from 1st April to 20th Nov/92 inclusive is given as 553-8-0.

2. The amount would be Rs 651-10-8.

3. The amount of security taken is a fourth of the annual rent at Rs 85 per mensem (inclusive of Cess) i.e. 85×13 = Rs 255/- or 80×3 (Exclusive of Cess) = 240/-

The amount reported to have been taken as a fourth of the Khist is — 225

4. It is stated that neither Farmer nor his sureties have any property in or out of Mysore. In the heading of the remission statement it is noted that Rs 260-0-9 have been recovered as "Amount of deposits & sale proceeds of lands credited. Deducting Rs 225/- as deposit made Rs 35-0-9 appears to be a "Sale proceeds of land". But this does not tally with what the Dy Comr states in his report to the Excise Comr Dy 10th January 1894 (under ref. now) that the said "sum of Rs 260-0-9 is now since recovered from the daily sale proceeds of Paddy at his shop prior to the resale" and makes no mention of the deposit of Rs 225 at all. Dy of land Sold.

5. Again as previously stated it ~~has been~~ was alleged that the defaulter had no property in or out of Mysore, that the Madras Govt have

interdicted his attending & bidding at any Govt sales in H. M's Territory (Vide para 3 of Dy Comr's letter to Excise Comr Dy 10th June under reference) and in a second communication to the Excise Comr, the Dy Comr says that "Appana Pillay's failure to pay up the arrears is evidently due to a wilful desire to evade payment to Govt & not to his inability, as it is reported that in H. M's Territories he is said to be still carrying on Toddy Contract, indirectly, in the name of his relations (vide para 2 of letter Dy 11/12th June 94).

6. These are the serious indications of Government frauds — need full action.

7. It is clear that the Dy Comr has not made proper enquiries through some reliable source to

ascertain if the defaulter has any property in H. M's Territory. If he has no property, his relatives would not entrust him to manage the Poddy Contract, and if a proclaimed defaulter there is not likely that the authorities will winke at his doing so either directly, or indirectly.

8 The Auditor should have obtained sanction to enforce the conditions of the agreement within one month after the 15th March fell due. The Dy Comrs office scrutinized the D.C. & B returns of each Farmer but failed to direct vigorous action being taken at the outset; and apparently allowed the Contractors to pocket the proceeds of the Farm for 7 months & 20 days

9. It is not stated when the shops were

taken under Govt management & to what period the sum of Rs 35-10-9 ab- pertains if it does not refer to "Sale of land" as above alluded to.

10 The Excise Comrs office also appears to have done nothing to rouse both the Taluk & Distt offices as to this outstanding, nor does the Excise Comrs office appear to have checked the figures in the 1st report dt 9th Dec/92 × nor in the last report dt 10th Jan 4/94 in both of which Rs 553/2 are shown as arrears.

× P. (per 400 (1/a))

11. The Amildar's explanation is to the effect that (1) he thought that any coercive step at the outset might tend to make the new system unpopular and (2) therefore resorted to

moderate means of collection. This is wrong in principle on the 1st count, and on the 2nd he, as a matter of fact, took no action at all, either to recover the arrears, or save Govt from loss for at least 7 months. The sum of Rs 35-4-9 being less than half a month's Khist was probably recovered just before the sale on 21st April 92.

12 The fact that the farm also realized Rs 85/- at the resale without loss clearly shows that it was a good one & could have been worked with advantage & without any loss to Govt, had the Taluk officials only put their shoulders to the wheel to do so & for which purpose a Taluk Supr was purposely given. The contractors in the Amildars place would have done so through their Poddy Amin, had the man to whom he sublet failed to pay him his dues.

Govt officials do not appear as zealous in ~~[illegible]~~ Govt interests as the Contractors and their men would have been in their private interests.

Submitted for orders.

4/17/94 J. G. Schmulle
J. A. C.

Write drafts
Enclose [illegible]
3/19

(General Serial No. 30.)

189

OFFICE OF THE ... 6241 13 ... 8762 ... NOT

From The Excise Commissioner in Mysore. (1)

To

The Chief Secretary to the Dewan of Mysore.

Dated 12th December 1892.

Despatched 13

Received

Enclosures No. 1

General No. 3272

No.

~~In reply to~~

SUBJECT.

Submits Copy of Kolar Deputy Commissioner's report regarding the re sale of the Tripaty Toddy farm in the Malur Taluk and states that, under the circumstances therein stated, the resale has been confirmed.

Rev. Mr 13/12

SECTION Sep Rev

FILE No. 62 of 92-93

SERIAL No. 24

References (to be entered only in the Dewan's Office).

Draft submd for appl

17/12

No. 3272/177 (Encl. 1.) Excise Commissioner's Office
Bangalore, dated 12th/13 December 1892

(1)

From

The Excise Commissioner
in Mysore.

To

The Chief Secretary
to the Dewan of Mysore.

Sir,

In forwarding herewith, Copy of letter No. 1784/1174, dated 9th December 1892, from the Deputy Commissioner Kolar District, I have the honor to state that, under the circumstances therein represented, I have confirmed the resale of the Tripaty Toddy farm in the Malur Taluk, for Rs. 623-5-4 inclusive of local cess, for the remaining portion of the current official year, viz. from 21st November 1892 to 30th June 1893. This farm should be omitted in the sale Notification submitted with this Office No. 3086/170, dated 6th/8 instant.

2. The arrears due by the defaulter, amount to Rs. 553-8-0,

which the Deputy Commissioner reports are irrecoverable. I am of opinion that, before these arrears are written off, the ordinary coercive measures should be adopted against the defaulter and his sureties, and ultimately the process for their arrest and imprisonment under the provisions of the Land Revenue Code, resorted to. Instructions will be sent to the Deputy Commissioner accordingly.

3. The Deputy Commissioner has been requested to report if the prescribed agreement has been executed by the defaulter and his sureties.

I have the honor to be,
Sir,
Your most Obedient Servant

S Meikle
Excise Commissioner
in Mysore.

No. 1784/1174 Dated 9/10. December 1892

1/a

From
The Deputy Commissioner,
Kolar District

To
The Excise Commissioner
in Mysore

Sir,

I have the honor to state that Bagalur Appavu Pillay, Toddy contractor of the Tripathy farm in the Malur Taluq, failed to pay the monthly khists from May to October last, in spite of repeated demands for the same. Encl to S. 24

2. He made several promises of payment, but never fulfilled any. He has deposited Rs 225 or 1/4 of the contract amount, and this is all the amount of his credit towards his arrears of khist which amount to Rs 553 1/2.

3/225/785 4-11/79-11

?

3. There being no chance of recovering the Government dues from the defaulting contractor, the farm was resold by public auction on the 21st Ultimo at Malur, for the remaining portion of the year (viz, from 21-11-92 to 30-6-93), and the highest bidder at the auction was

Nov. 92

on

one Tirumiah, a ryot living in the Malur Taluq who has offered Rs 623-5-4 inclusive of local Cess.

4. Owing to a good competition, there was no loss on the resale which realized the proportionate part of the original contract amount. I request that the sale may be confirmed in favor of Tirumiah who has, to avoid delay and inconvenience, been put in possession of the farm in anticipation of sanction.

5. The arrears due by the defaulting farmer are irrecoverable, as he and his sureties Moothialsamy and Madurai Pillay are residents of Osur, Salem District, and own no property in this Province, and I therefore request sanction to the same being written off the accounts, unless the Excise Commissioner considers it advisable to move the Government to set the provisions of the Revenue Code, Sections 183 and 193 in motion for the arrest and imprisonment of the defaulter. Such a step will have deterrent effect on refractory defaulters generally.

I have &c

(Signed) C. Madiah

Deputy Commissioner

Kolar District

"Copy"

[illegible]

Excise Commissioner

(General Serial No. 30.)

1892.

(2)

From

The Chief Secretary to the Dewan of Mysore.

To The Excise Commr in Mysore & Dy. Commr, Kolar Dist

Dated 17th Decr 1892

Despatched

Received

SECTION 23

FILE No. 62/92-93

SERIAL No. 25

Enclosures No.

General No. 8520-1

No. R. 7 207-92

Passing orders in the matter of the confirmation by the Excise Commr. of the resale of the Tirpati Toddy Farm in the Malur Taluk for Rs. 623-5-4 from 21st Nov 92 to 30th June 1893.

(27)

Read: —

Letter No 3272 dated 12th December 1892 from the Excise Commissioner in Mysore, reporting that he has confirmed as recommended by the Divisional, the resale of the Tripati Toddy Farm in the Malur Taluk for Rs 623-5-4 (inclusive of local cess) from 21st November 1892 to 30th June/93.

No 8520-1 / R.F. 207-92 17-12-92. Order thereon. —

~~For reasons stated~~ As per orders sanctioned in Government Pro: No 8217 / R.F. 207-92 dated 13th December/92 ~~Government cannot~~ approve of the action taken by the Excise Commr as regards the continuance ~~of the Farm beyond~~ 18th April 1893. The

The farm shd not have been sold for period beyond

Excise Commissioner will therefore be requested to take such steps as may be necessary for revising the terms of the contract which should be made to expire on the 31st March 1893.

2. The Excise Commr's recommendation for applying the provisions of Sections 163 & 193 of the Mysore Land Revenue Code against the defaulting farmer ~~from [illegible]~~ who has entirely failed to pay his Kist, is sanctioned, the arrears being reported to be the Excise irrecoverable.

Chief Secty 7/12

H. D.

To The Excise Commr in Mysore.
" " Dy Comr Kolar &c

Sale having taken place & confirmed by the Excise Cr. may however stand. ~~In case the Engagement the lease goes to be for 9 months until the other farms ~~[illegible]~~ ~~[illegible]~~ [illegible]~~ in which case the new lease will run like other farms be for 12 months only ending with 30 June 94. The farm with~~

2. Coercive measures should be taken by the Dy. Commr. as may be for the recovery of the arrears due by the defaulting farmer and a report should be submitted ~~above~~ on the result of the action taken.

although advertised
in the origin ahead
sent to the Gazette for sale of all farms for
15 months from
1st April 19 to
30 June 19

but ~~with~~ need not
~~approval~~ be put
up ~~approval~~

(General Serial No. 30.)

OFFICE 7099. 9 - JAN. 93 R1833 DEWAN

3

189

From
The Deputy Commissioner
Kolar District

To
The Chief Secretary to the
Dewan of Mysore

Dated 3rd January

Despatched 4th

Received

Enclosures No. 1

General No. 2009
No. 461

Government Proceedings No 8520-1 dated 17th December last, R7207-92

With reference to the above, have the honor to submit herewith copy of this office letter No 1796 dated 2nd January

Deputy Commissioner

Revenue
5/1/93

Vide Draft Subdivision Circle Commrs No 3780 26
of 5th January/93.
17/1/93

SECTION PR
FILE NO. 52,62
SERIAL NO. 26

Recd 9/1

(General Serial No. 30.)

3/a

1893.

From The Deputy Commissioner
Kolar District

To
The Excise Commissioner
in Mysore

Dated 2
Despatched 4 } January 1893
Received

Enclosures No.

General No. 1996
No. 1317

Excise

Sir, With reference to your Official Memorandum No 3273/55 of 12th ultimo, I have the honour to state that the prescribed agreement has been taken from the defaulter and his sureties

2. It is not possible to adopt any coercive measures either against the defaulter or his sureties, as they own no property in the Mysore Province and are residing beyond the jurisdiction of this Government (Vide para 5th of this Office letter No 1784/1174)

Rt Hon Secretary of State for the Colonies

3. The Arrears are in my opinion irrecoverable unless the ultimate process of arrest be resorted to when the defaulter enters our jurisdiction. I request that you will be so good as to move the Government to accord sanction for the same.

I have &c.

(Sd) C. Madiale

'Copy'

[illegible]

Deputy Commissioner

Fiji

Rev

Ref. MSK 11/1/93

~~Draft sub~~.
WH
17/1/93

(General Serial No. 30.)

1893. Q 1894

FILE NO. 6 9 3

SER. NO. 2 7

From The Excise Commr in Mysore

To

The Chief Secretary to the Dewan of Mysore.

Dated 5th
Despatched 10 } January 1893
Received

Enclosures No. 1

General No. 3788
No. 216

In reply to

SUBJECT.

Forwards copy of Kolar Deputy Commissioner's docket no. 1996/1317, dated 2nd January 1893, and requests that under the circumstances therein stated the issue of process of arrest against the original purchaser of the Tripaty Toddy Farm in the Malur Taluk, may be sanctioned.

References (to be entered only in the Dewan's Office).

To the Excise Commr No 13538/Q 7207, dated 2/2/93

Submitted for orders.
Sanction is solicited to the arrest and imprison-ment of the defaulter when he comes back to Mysore MSK 17/1.

For the Dewan's orders — It was wrong to have accepted tenders from men who have no property in Mysore —
25/1

1. Are the defaulter's brothers possessed of any property in Opinion of Tahsildar?

2. Were they sureties within or out of our jurisdn at the time the appeal was lodged

3. Upon the appeal was a further short property of any they have — Bangalore.

27/1

SD 11/1

No. 3788/216
(Encl: 1)

Excise Commissioner's Office
Bangalore 5th/10th January 1893

(4)

From

The Excise Commissioner
in Mysore

To

The Chief Secretary
to the Dewan of Mysore

Sir,

With reference to para 2 of this office no: 3272/177, dated 12th December 1892, I have the honor to forward, herewith, copy of docket no: 1996/1317, dated 2nd January 1893, from the Deputy Commissioner, Kolar District, and to request that, under the circumstances therein represented, the issue of the ultimate process of arrest and imprisonment against the original purchaser of the Tripaty Toddy farm in the Malur taluk

taluk may be sanctioned

I have the honor to be
Sir,
Your most Obedient Servant

[illegible]
Excise Commissioner
Fwd.

(General Serial No. 30.)

1892.

4/a

From The Deputy Commissioner Kolar district

To The Excise Commissioner in Mysore

Dated 2nd
Despatched 3rd } January 1893
Received

Enclosures No. Nil

General No. 1996
No. 1317 Encl 1 to 2

Sir,

With reference to your Official Memorandum No. 3273/55 of 12th Ultimo, I have the honor to state that the prescribed agreement has been taken from the defaulter and his sureties.

2. It is not possible to adopt any coercive measures either against the defaulter or his sureties, as they own no

no property in the Mysore Province and are residing beyond the jurisdiction of the Government (Vide para 5 of this office letter no: 1784/1174 of 9th December last

3. The arrears are in my opinion irrecoverable unless the ultimate process of arrest be resorted to when the defaulter enters our jurisdiction. I request that you will be good as to move the Government to accord sanction for the same.

I have &c

(Signed) C. Madiah

Deputy Commissioner

"Copy"

L. Rabitts

Excise Commissioner

Pub.

(2) Were they residing within or out of ~~our~~ the jurisdiction at the time the agreement was executed.

(3) Before the agreement was taken what property if any they had in Mysore.

By order

Chief Secretary

29/1

To

The Excise Commissioner
in Mysore
Bangalore

FILE NO.
SERIAL NO.

Dated 2 February 93.
Deptd. 4

Excl.

No 13538 / R.F. 207-92

His letter No 3788/216 dated the 5th Instant stating, with reference to para 2 of Proceedings No 8520-1 / RF 207-92 dated 17 ult., ~~stating~~ that the defaulter Appasiddle and his sureties have no property in the Mysore Province, and requesting sanction to their arrest and imprisonment

With reference to the above has the honor to request information on the following points :—

(1) Are the defaulter & his sureties possessed of any property in Ofnur of the Salem District to which place they are said to belong.

(General Serial No. 30.)

1893 12709 3/3 6

From

The Excise Commissioner in Mysore.

To

The Chief Secretary to the Dewan of Mysore.

Dated 29th
Despatched 3-5 } April 1893 Camp Nundidroog
Received

SECTION SR
FILE NO. 62/92
SERIAL NO. 29

Enclosures No. 1

General No. 5725
No. 363

In reply to your docket No: 135-38 (39) / 207-92,
of 2nd February 1893

SUBJECT.

Forwards copy of communication from the Deputy Commissioner, Kolar District, and requests that, under the circumstances therein represented, sanction may be accorded to issue warrants of arrest against the defaulter Appava Pillai and his sureties.

Rev. M.R.

Note submit with R-F 62-92. 4/5

12/5/93

References (to be entered only in the Dewan's Office).

Mysore Govt. C. Press, Bangalore.—25-1-93.—200.

Recd 5/5

No. 5725
363
(Encl: 1)

Excise Commissioner's Office
Bangalore 29th April 1893
(Camp Nandidrug)

6

From

The Excise Commissioner
in Mysore

To

The Chief Secretary
to the Dewan of Mysore

Sir,

In reply to your docket
(39)
No: 13538/207-92, dated 2nd February 1893,
I have the honor to forward, herewith,
copy of docket No: 3265/2140, dated 26th/28 April
1893 from the Deputy Commissioner,
Kolar District, furnishing the requisite
information about the defaulting toddy
vend farmer Appavu Pillay and
his sureties; and to request that,
under the circumstances therein represented,
sanction may be accorded to issue warrants
of arrest against them.

I have the honor to be,
Sir
Your Most Obedient Servant

Mukerji
Excise Commissioner
in Mysore

(General Serial No. 30.)

189 .

6/2

From The Deputy Commissioner Kolar District.

To The Excise Commissioner in Mysore

Dated 26th April 1893

Despatched 28 Encl to 8 29

Received

Enclosures No.

General No. 3265
No. 2140

Excise Commissioner's Official Memorandum No. 4260/74, dated 7/10th February 1893.

In reply to the above has the honor to state that the defaulter Appavoo Pille and his sureties — possess no property in Oour of the Salem District, nor had they owned any property

before the execution of the agreement.

2. At the time the agreement was executed, the defaulter and his sureties were residing out of the Province.

3. The undersigned is of opinion that, if only a warrant of arrest be issued, the money can be collected easily.

(Signed) K. Doraswamidyer
For Deputy Commissioner,
Kolar District.

Copy

Sd. Ketts
Excise Commissioner
in Mysore.

(General Serial No. 30.) 3703.

1893 R889

From

The Excise Commissioner in Mysore

(5)

SECTION 31
FILE No. 6202
SERIAL No. 30

To

~~The~~ Chief Secretary to the Dewan of Mysore.

Dated 14th September 1893.

Despatched 15

Received

Enclosures No. one

General No. 986
No. 123.

In ~~reply to~~ continuation of this Office No. 855 dated 4th September 1893.

III. SUBJECT.

Forwards copy of docket No. 946/553, dated 11th instant, from the Deputy Commissioner, Kolar district, in re the arrest and imprisonment of the defaulting Toddy vend farmer, Appavu Alla and requests the favor of early orders on the subject.

Reminder

References (to be entered only in the Dewan's Office).

Rev. Mrs 16/9/93

No. 986 (Exc.) / 123 Excise Commissioner's Office
Bangalore, dated 14th September/93
/15

(8)

From

The Excise Commissioner
in Mysore

To

The Chief Secretary to the
Dewan of Mysore

Sir,

This office No. 855 / 111, dated 4th / 5th September 1893, regarding the arrest and imprisonment of the defaulting Toddy vend farmer Appavu Pillay.

With reference to the above, I have the honor to forward, herewith, copy of docket No. 946 / 535, dated 11th instant, from the Deputy Commissioner Kolar District, and to request the favor of early orders on the subject.

I have the honor to be,
Sir
Your most obedient servant
[illegible]
Excise Commissioner
in Mysore

1893

8/

From.

The Deputy Commissioner
Kolar District
Encl to R 30

To

The Excise Commissioner
in Mysore

Dated 11th September 1893.

No 946/555 1893-94.

This office docket No 761/450. dated 30th August 1893, reporting on the liability of Appavu Pillay, late Toddy farmer, and requesting for a warrant of arrest.

In inviting his attention to the above, has the honor to request an early reply to the same.

Signed/C. Madiah
Deputy Commissioner
Kolar District

"Copy"

Mulleth
Excise Commissioner
in Mysore

(9)

S... DR.
P... 60/...
S... 31

Read.—

Correspondence ending with Excise Commissioner's letter No. 5725/363 dated 29th April 1893, submitting the information ~~called for~~ in Uyandh ~~about~~ the defaulting made by Eddy Vend Farmer, Appavoo Pillay and Sureties, called for in Chief Secy's docket No. 13538/207-92 dated 2d February 1893, and requesting that sanction may be accorded to issue warrants ~~against~~ for their arrest. ~~against them.~~

No 5586-94 D/23-9-93
R.762-92 23.

arrear well, under the circumstances, simply be allowed to stand in the accounts for sometime more, and a further report made by the Deputy Com-missioner if it cannot be recovered by sale of any property that may be forthcoming

2. From the Deputy Commissioners letter it appears that the defaulter was in arrear for about five months. This

was

at an early date.
~~due to Government.~~

If negligence is brought home to any officer, it is a matter for consideration, whether he ~~should~~ may not be made liable to make good the arrears due.

22/9/93

23/9/93

Issue notice
2 Print cards
23/9/93

attended to 23/9/93.

1893.

GOVERNMENT OF MYSORE.

REVENUE.

PROCEEDINGS.

Dated 23*rd September* 1893.

No. 5586-94. / R. F. 62-92.

Directing that, for reasons stated, the arrears due by Appavu Pille, the defaulting Toddy Vend Farmer of Tirupati in the Malur Taluk, be allowed to stand in the accounts for some time more, and that a further report be submitted, if the arrears cannot be recovered by sale of any property that may be forthcomi ng.

Mysore Govt. Central Press, Bangalore.—27-9-93—120.

Proceedings of the Government of His Highness the Maharaja of Mysore, (Revenue),—dated 23rd September 1893.

READ :—

Correspondence ending with Excise Commissioner's letter No. 5725—363 dated 20th April 1893, submitting the information in regard to the default made by Tadi Vend Farmer Appavu Pille and sureties called for in Chief Secretary's docket No. 13538—207-92, dated 2nd February 1893, and requesting that sanction may be accorded to issue warrants for their arrest.

No. 5586-94—R. F. 62-92, DATED, BANGALORE, 23RD SEPTEMBER 1893.

ORDER THEREON.—In this case no facts have been elicited to prove fraud or wilful intention to evade payment of the Government dues. In the absence of proof of fraud, it must be presumed that this is a simple case of failure and that no intention of cheating Government is brought home to the defaulter. The arrear will, under the circumstances, simply be allowed to stand in the accounts for some time more, and a further report made by the Deputy Commissioner if it cannot be recovered by sale of any property that may be forthcoming.

2. From the Deputy Commissioner's letter it appears that the defaulter was in arrear for about five months. This was *primâ facie* evidence of negligence and the Deputy Commissioner is requested to explain who is responsible for it.

3. The Government presume that an enquiry into the adequacy of the security and the solvency of sureties was made, prior to their acceptance. If so, how were two men accepted as sureties who had no property either in the Province or elsewhere ? Upon this fact also full explanation should be submitted at an early date.

Chief Secretary.

To The Excise Commissioner in Mysore.
The Deputy Commissioners of Districts for information.

Exd.—M.A.

Gen. Serial No. 30.] (10)

1894

From

The Excise Commissioner in Mysore

To

The Chief Secretary to the Dewan of Mysore.

Submitted for orders with note.

SECTION — Dated 15th
FILE No. 62/92-93 — Despatched 16th June 1894.
SERIAL No. 32 — Received

Enclosures No. 2

General No. 4096
No. 401

~~In reply to~~ Government Proceedings No. 5586-94 dated 23rd September 1894 R 762-92

SUBJECT.

Forwards copy of correspondence regarding defaulting Toddy Vend Farmer Appavoo Pillay, Malur Taluq, and recommends that the arrears due by him viz Rs 293-7- may be written off the accounts

Per - Excise
17/6/94

References (to be entered only in the Dewan's Office.)

No. 4096/401 (Misc 2)

Excise Commissioner's Office
Bangalore, 15th June 1894.

16

From

The Excise Commissioner
in Mysore.

To

The Chief Secretary to the Dewan
of Mysore.

Sir,

Government Proceedings No. 5586-94/R.F. 62-92, dated 23rd September 1893 regarding defaulting Toddy Vend Farmer Appavoo Pillay, Malur taluq.

With reference to the above, I have the honor to forward herewith for the orders of Government copy of the marginally noted correspondence together with a Remission State-ment for Rs.

1. Letter No. 2329/1318, dated 10th January 1894, from the Deputy Commissioner Kolar.
2. Docket No. 2540/73, dated 12th January 1894 to ditto.
3. Letter No. 4504/2408, dated 11th June 1894 from ditto.

Rs 293-7-3 being the irrecoverable balance due by the above defaulter. No facts have been elicited by the Deputy Commissioner against the defaulter to prove fraud or wilful intention to evade payment of the arrears. The Deputy Commissioner simply says that, without issuing a warrant of arrest and imprisonment against the defaulter, the arrears cannot be recovered. But as there is nothing to show that the defaulter has been wilfully withholding payment, I cannot recommend the issue of such warrant. The amount being small, I beg to request sanction to the same being written off the accounts.

I have the honor to be,
Sir,
Your most obedient Servant

L Ricketts
Excise Commissioner
in Impose

No. 2329/1318 Enc No. 1

Camp Sreenivaspur
Kolar Dated 10th/11th June 1894

From

The Deputy Commissioner
Kolar District

To The Excise Commissioner
in Mysore

Encl to R 32

Sir,

With reference to your official Memo=
=randum No. 1143/42 dated 25th/26th September
last forwarding copy of Government Pro=
=ceedings No. 5586-94/R.7.62-92 dated 23rd September
1893, calling for a further report in re Apparao
Pillay, the defaulting Toddy Vend Farmer of
Tirupathy in the Mulur Taluq, I have the
honor to forward herewith the explanation
of the Amildar of Mulur Taluq also called
for therein.

2. The Amildar states that the farms were
disposed of by Mr. Gopala Iyengar, the Special
Revenue officer in 1892-93; that as he was new to the Taluk then,
he could not form
any correct idea of the farmers; that Apparao
Pillay was reported to be a solvent carrying
on extensive toddy contracts in Her
Majesty's territories, and that as the farming
system was new to the Province, he thought
that any coercive step at the outset might
tend to make it unpopular, and therefore
resorted

resorted to moderate means of collection which ultimately proved useless entailing the re-sale of his farms.

3 out of Rupees 553-8-0 shewn as outstanding against the defaulter, Rupees 260-0-9 have since been recovered from the daily sale proceeds of toddy at his shops prior to the re-sale. There is still left a balance of Rs 293-7-3 yet to be collected. This amount is irrecoverable as subsequent enquiries show that the defaulter and his sureties own no property either in this Province or in Her Majesty's territories and that Appavoo Pillay is also a defaulter in British Territory. He has been by a Government Notification debarred from attending and bidding in any Government Sales in Her Majesty's Territories.

4. Under these circumstances I am of opinion that the arrears cannot be recovered without the provisions of sections 163 and 193 being put into force for the arrest and imprisonment of the defaulter. Such a step will have a deterrent effect on refractory defaulters generally.

I have &c

(Sd.) C. Maciah

Deputy Commissioner

From The Excise Commissioner
in Mysore.

To. Deputy Commissioner
Kolar District

Dated $\frac{12^{th}}{16}$ january 1894.

No. $\frac{2540}{73}$

The Deputy Commissioner's No. $\frac{2329}{1318}$, dated $\frac{10^{th}}{11}$ instant.

Encl.

In reply has the honor to invite attention to para 1 of Government Proceedings No. $\frac{5586-94}{A.7.62-9}$ dated 23rd September 1893, and to state that, unless the reasons which have led the Deputy Commissioner to believe that the defaulter Appavoo Pillay is wilfully withholding payment of the arrears of his Toddy Thists, or he has been guilty of fraudulent conduct to evade payment, are reported, the Government cannot be moved to sanction the arrest and imprisonment of the defaulter. If no evidence is forthcoming to prove or infer the said facts, a Remission statement in the prescribed form should be submitted for the irrecoverable balance of Rs 293-7-3.

(Sd.) L. Ricketts
Excise Commissioner

From The Deputy Commissioner
Kolar District

To the Excise Commissioner
in Mysore.

Dated 11/12th June 1894 Enclosures No. One

No. 4504/2408

Sir,

In reply to your docket No. 2540/731 dated 12th January last, I have the honor to state that as it is not possible to recover the balance of Rs 293-7-3 still outstanding against the deceased Appanu Pillay of Bagalur without an issue of a warrant for his arrest and imprisonment, a statement giving full particulars of the arrears is herein enclosed with a request that you will be so good as to recommend the same being written off the accounts as irrecoverable.

2. Appanu Pillay's failure to pay up the arrears is evidently due to a wilful desire to evade payment to Government and not to his inability, as it is reported that in Her Majesty's Territories he is said to be still carrying on Toddy contract indirectly in the name of his relations.

I have &c
(Sd.) C. Madiah
Deputy Commissioner
Kolar District

"Copy"
S. Shakatta
Excise Commissioner

Statement showing the Toddy irrecoverable amounts recommended for remission in the Kolar District during the month of June 1894.

Name of Farm	Name of defaulter	Amount of original bid monthly	Amount of bid at the resale monthly	Date of resale	Loss by the resale up to the end of the lease	Arrears due prior to the resale	Total amount to be received from the defaulter	Amount of deposits and securities of Coinds credited	Balance irrecoverable	Remarks.
Tripetty Farm.	Appanna Pillay of Bagalur	× 85 " "	× 85 " "	21st November 1892	" " "	5538 "	5538 "	260 " 9	293 7 3	

× Includes Local Cess.

"Copy"

Signed C. Madiah
Deputy Commissioner

Excise Commissioner
in Mysore

M. S.

(11)

Draft for a bill

SECTION SR

FILE NO. 66/92-93

SERIAL NO. 33

Read -

Excise Commissioner's Letter No. 4096/401 Dated 15th June last, recommending that the arrears of Rs: 293-7-3 due by defaulter Malur Taluk Toddy Farmer Appavu Pillé, may be written off the accounts as being irrecoverable.

SECTION

FILE No.

SERIAL No.

No. 4084-5 / R.F. 62-92 Dt. 4-9-94

Order.

Under the circumstances stated, sanction is accorded to the remission and writing off of Rs: 293-7-3 as recommended.

2. A further report as to the correct amount due from Appavu Pillé is requested with reference to

to the following observations

(a) The amount of arrears, as put down at Rs: 85/- monthly including local Cess for 7 months & 20 days from 1st April to 20th Novr. 1892 inclusive, is given as Rs: 553-8-0. The amount would be Rs: 651-10-8.

(b) The amount of security taken is a fourth of the annual rent at Rs: 85/- per mensem (inclusive of Cess) i.e. 85 × 3 = Rs: 255/- or 80 × 3 (Exclusive of Cess = Rs: 240. The amount reported to have been taken as a fourth of the Khist is Rs: 225/-

(c) It is stated that neither Farmer nor his sureties have any property in or out of Mysore

Mysore. In the heading of the remission statement, it is noted that Rs: 260-"-9 have been recovered as "amount of deposits and sale proceeds of lands credited. Deducting Rs 225/- as deposit made, Rs 35-"-9 appears to be "sale proceeds of land" But this does not tally with what the Dy Commr. states in his report to the Excise Commr. dated 10th January 1894 (under reference now) that the said "sum of Rs: 260-"-9 have been since recovered from the daily sale proceeds of toddy at his shops prior to the resale",

and

and makes no mention of the deposit of Rs: 225 at all, or of land sold.

(d) Again, it was alleged that the defaulter had no property in or out of Mysore, that the Madras Govt have interdicted his attending and bidding at any Govt. sales in H. his Territory (vide para 3. of Dy Commr's letter to Excise Commr. of 10th June under reference) and in a second communication to the Excise Commr., the Dy Comr says that "Appavu Pillai's failure to pay up the arrears is evidently due to a wilful desire to evade payment to Govt and not to his inability, as it is reported that in

in H. M's Territories, he is ~~stated~~ said to be still carrying on Toddy Contract, indirectly, in the name of his relations (vide para 2 of letter dated 11/12th June 1894. These are material discrepancies.

Chief Secy.

24/9/94

To.

The Excise Commr. of Mysore

The Comptroller to Mysore Govt.

Gen. Serial No. 30.] 12 4683

1894 R 1388

From

The Excise Commissioner in Mysore.

To SR

The Chief Secretary to the Dewan of Mysore.

62/92

34

Dated 4th October 1894.

Despatched 6th

Received

Enclosures No. one

General No. 1639

No. 165

Government Proceedings No.

~~In reply to~~

4084 R.F. 62-92, dated 4th September 1894.

SUBJECT.

Forwards copy of communication from the Deputy Commissioner, Kolar District, giving particulars of the amount of Rs. 293-7-3 due by Appavi Pillay, defaulting Toddy Farmer of the Malur Taluk.

References (to be entered only in the Dewan's Office.)

Submitted to the Chief Secy.

1. His orders -
2. May a copy be sent to the Judicial Dept.

26/10/94

Yes. In the case of this wicked it is proposed to be dealt with as ~~stated~~. His trust to Gov. Commr not to accept any bribe from a person unless he is satisfied that the bribe is a sum of some importance likely to ~~and~~ tempt a man of his position to commit a fraud.

27-2-95

Drafted & Submitted

28/2/95

No. 1639 (Encl) / 165

Excise Commissioner's Office
Bangalore 4th October 1894

From,

The Excise Commissioner
in Mysore.

To,

The Chief Secretary to the
Dewan of Mysore.

Sir,

With reference to Government Proceedings No. 4084-5 / A.F. 62-92, dated 4/7th September 1894, I have the honor to forward, herewith, copy of letter No. 1317/889, dated 1st instant, from the Deputy Commissioner, Kolar District, giving the particulars of the amount of Rs. 293-7-3 due by Appavia Pillay, defaulting Toddy Farmer, Malur Taluk, and explaining the inconsistencies noticed in the above Proceedings.

I have the honor to be,
Sir,
Your most obedient servant

Illegible
Excise Commissioner
in Mysore.

Pr. S.

Office of the Deputy Commissioner
Kolar District

No 1317/839

Dated 1st October 1894

To

The Excise Commissioner,
in Mysore.

Sir,

Encl. 108/34.

With reference to your official Memorandum No 1262/29, dated 8th instant, communicating copy of Government Proceedings No 4084-5/R762-93, dated 4th instant, according with remarks sanction for writing off the arrears of Rs 293-7-3, due by Appavu Pillay, as being irrecoverable, I have the honor to state that the defaulter owed Rs 651-10-8 to Government up to 20th c. November 1892. Towards this amount Rs 103-3-5, was collected from him at different periods. Add to this the cash deposit of Rs 255, made by him towards the performance of his contract, his arrears amount to Rs 293-7-3 only for which a remission statement had been submitted and passed in the Government Proceedings quoted above.

2. With reference to para 2 clause (c) of the Proceedings under reply the amount of Rs 260-0-9 shown as recovered subsequent to the date of resale includes the cash deposit referred to above plus the

the sale proceeds from the shop recovered by the Patel and since remitted to the Taluk Treasury.

3. The statement that the defaulter and his Sureties possessed no immoveable property in and out of the Province is correct, but it is reported that he has interest in the contracts taken by his brothers and brother-in-law in Her Majesty's Territories. Hence his wilful desire to defraud Government of its dues.

Yours &c

(Sd) C. Madiah

Deputy Commissioner

Kolar District

"Copy"

Illegible

Excise Commissioner

in Mysore

M.O.

(13)

Read

Letter No 1639/165 Dy 4th Oct 94 from the Excise Comr in Mysore giving cover to a communication from the Deputy Comr of Kolar No 1317/839 Dy 1st Oct 94 furnishing the particulars of Rs 293-7-3 due from Appavu Pillay, late Toddy Vend Farmer of the Malur Taluk, and explaining the inconsistencies noticed in Govt Proc No 4084-5/RF 62-92 Dy 4th Sept 94.

Order thereon.

The Excise Comr is requested to be so good as to instruct the Dy Comr not to accept in future any bid from a person unless he is satisfied that the bidder is a man of some respectability likely to make easy payments to Govt.

2/3

Under Secy

SR
62/92-93
SER 35

No 13551-2/RF 62-92 Dy 2/3/95

Nil

To The Excise Comr in Mysore.
The Comptroller in Mysore
with copy of the Dy Comr's letter above alluded to.